

# Pocket Guide to Worker Rights



*Know your rights*



Washington State Department of  
**Labor & Industries**

**[www.Lni.wa.gov](http://www.Lni.wa.gov)**

**1-800-547-8367 (1-800-LISTENS)**

This guide was prepared by the Department of Labor & Industries (L&I) to help you understand your rights as a worker in Washington State.

It summarizes your rights to:

- A safe and healthy workplace.
- Minimum wage and overtime pay.
- Rest and meal breaks.
- Leave usage and protected leave.
- Workers' compensation benefits if you are injured on the job or develop an occupational disease.

This guide also explains your protection against discrimination or retaliation for exercising your rights. It is against the law for your employer to discriminate against you or fire you for reporting unsafe conditions, filing a safety or workplace rights complaint, or for filing a workers' compensation claim.

Be sure you know your rights – read this guide!

**For more information:**

On the Web at  
**[www.Lni.wa.gov/Safety](http://www.Lni.wa.gov/Safety)**  
**[www.Lni.wa.gov/WorkplaceRights](http://www.Lni.wa.gov/WorkplaceRights)**

Call L&I's toll-free information line:  
1-800-547-8367 (1-800-LISTENS)

Call or visit your local L&I office  
(See the back cover for a list of office locations  
and telephone numbers.)

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## Safe and Healthy Workplace

The Washington Industrial Safety and Health Act (WISHA), Chapter 49.17 RCW, requires employers to provide safe and healthy working conditions, as far as reasonably possible, for workers in this state.

L&I enforces this law through its Division of Occupational Safety and Health (DOSH), which:

- Inspects workplaces to identify hazards and improve safety.
- Investigates work-related fatalities, hospitalizations, and complaints of unsafe workplaces.

This law sets minimum requirements that employers must follow and protects your right to report workplace safety and health concerns. These requirements include establishing policies that are effective in practice and providing safeguards and safety devices to make your workplace safe. You must follow the rules and policies your employer sets in place and use any required personal protective equipment (PPE) provided to you.

*Note: Federal workers and workers on federal lands should contact the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) at 1-800-321-6742.*



## *What are my rights?*

If you know of potentially hazardous conditions and have reported them to your employer, and they remain uncorrected, you may file a confidential complaint with DOSH. DOSH will evaluate your complaint and may schedule an inspection of your workplace.

You have the right to:

- Bring job safety and health concerns to your employer's attention.
- Discuss safety and health matters with other workers.
- Be paid for the time to put on required personal protective equipment.
- Participate in union activities concerning safety and health matters.
- Be interviewed in private by a DOSH inspector during an inspection and be paid for that time.
- Get copies of your medical records, including records of exposures to toxic and harmful substances or conditions.
- Refuse a dangerous task when certain conditions exist. See "Can I walk off the job to protest unsafe conditions?" on Page 3 of this guide.
- File safety and health grievances.
- Participate in safety and health inspections with a DOSH inspector.
- File a complaint about a workplace safety or health hazard with DOSH or Occupational Safety and Health Administration (OSHA). You may ask that your name be kept confidential.

Your employer may not fire you or discriminate or retaliate against you solely because you have taken part in protected activities such as those described above.

## *What is considered discrimination or retaliation for exercising my rights?*

By law, no one, including your employer, may take action against you for exercising your rights under the Washington Industrial Safety and Health Act. If that happens, you may have been discriminated against. Discriminatory or retaliatory actions include but are not limited to:

- Demoting you or laying you off.
- Assigning you to an undesirable job assignment or shift.
- Taking away your seniority.
- Reducing your pay or earned benefits.
- Blacklisting, threatening, or intimidating you.

## *Can I walk off the job to protest unsafe conditions?*

No, you cannot walk off the job. However, you can refuse to do a specific task if you reasonably believe that doing so would be dangerous to your life and/or health. You need to stay on the job until the issue is resolved. If you walk off the job, DOSH may not be able to protect you.

Your right to refuse a task is protected if all of the following conditions are met:

1. The refusal to work must be genuine. It cannot be a disguised attempt to harass your employer or disrupt business.
2. A reasonable person (or most people) would agree that there is a real danger of death or serious injury if you were to perform the job.
3. There isn't enough time, due to the urgency of the hazard, to get it corrected through regular enforcement channels, such as filing a complaint with DOSH.

When **all three of the above conditions** are met, you should:

1. Ask your employer to correct the hazard.
2. Ask your employer for other work.
3. Tell your employer that you won't perform the work unless the hazard is corrected.
4. Remain on the work site until ordered to leave by your employer.

### ***How do I file a workplace hazard or discrimination complaint?***

If you believe you have been punished or fired for reporting your safety and health concerns, contact L&I DOSH as soon as possible. You may file the complaint yourself, or you may authorize a representative, such as your union, to do it for you.

**You must file your complaint within 30 days from the time a discriminatory action occurred.**

Contact DOSH at the Department of Labor & Industries in person at any L&I office, by letter, or by telephone within 30 days from the time a discriminatory action occurred. You may file your complaint with the Assistant Director for DOSH at this address:

Assistant Director  
Division of Occupational Safety and Health  
Department of Labor & Industries  
P.O. Box 44600  
Olympia WA 98504-4600



Discrimination complaint forms are available online in English or Spanish at **[www.Lni.wa.gov/SafetyComplaints](http://www.Lni.wa.gov/SafetyComplaints)** and from local L&I offices (see back cover). You may also file a retaliation complaint with the U.S. Department of Labor, Occupational Safety & Health Administration (OSHA) within 30 days of the retaliatory act. Although OSHA will not conduct a parallel investigation, filing an OSHA complaint allows you to request a federal review of your retaliation complaint if you are dissatisfied with the state's final determination.

Call 206-757-6700 or contact the OSHA Regional Office at:

OSHA Regional Office  
300 Fifth Ave., Suite 1280  
Seattle, WA 98104-2442

### ***What if I still have workplace safety and health questions?***

Contact L&I for help to determine if you have been discriminated against.

- Call 1-800-423-7233.
- Visit an L&I office in person:  
**[www.Offices.Lni.wa.gov](http://www.Offices.Lni.wa.gov)**.



# Wage and Hour Laws

## *Regular wages*

You must be paid at least minimum wage for all hours worked (tips cannot be counted as part of the minimum wage). Workers who are 14 or 15 may be paid 85% of the adult minimum wage. Also, you must be paid on set paydays (at least once a month) and receive a statement of your wages.

## **Agricultural workers: exception to minimum wage**

Minimum wage does not apply for any individual if all the following requirements are met:

- The individual is employed as a hand-harvest laborer; and
- The individual is paid on a piece rate basis in an operation where such payment is customary; and
- The individual is a permanent resident and commutes daily from his or her own residence to the farm; and



- The individual has been employed in agriculture less than 13 weeks in the preceding calendar year. For example, someone (an adult or minor) who works less than 13 weeks per year harvesting berries during berry season, but does not normally work in an agricultural job at any other time, does not have to be paid minimum wage.

Migrant farmworkers are not exempt.

### *Overtime pay*

You must be paid one and one-half times your regular rate of pay for all hours worked over 40 in a fixed seven-day work week that is designated by your employer.

*Note: Agriculture workers are generally exempt from overtime.*

**Exceptions:** A few occupations are not covered by minimum wage or overtime requirements under limited circumstances. For more information about overtime pay and exemptions, go to **[www.WorkplaceRights.Lni.wa.gov](http://www.WorkplaceRights.Lni.wa.gov)** and click on “Overtime & Exemptions” under the “Wage & Hour” section.

Unless you are exempt, you cannot waive the right to minimum wage or overtime pay.

### *Deductions from pay*

Your employer may deduct from your wages when required by state or federal law and for certain other deductions under an agreement between you and your employer. For complete information, go to **[www.WorkplaceRights.Lni.wa.gov](http://www.WorkplaceRights.Lni.wa.gov)** and click on “Pay Requirements.”

## *Meal and rest breaks*

You have the right to a paid 10-minute rest break for each four hours you work and no later than the end of the third hour of the shift. In some circumstances, your employer may schedule “mini” breaks, such as two five-minute rest breaks.

You are entitled to a 30-minute unpaid meal period if working more than five hours in a day. If you must remain on duty or work during your meal period, you must be paid for the 30 minutes.

### **Agricultural workers**

- Agricultural workers must have a 10-minute paid rest break within each four-hour period of work.
- They must also be provided one additional 30-minute meal period if working 11 or more hours in a day.

## *Teen workers*

Young workers under 18 are entitled to most of the same rights as adults with a few exceptions. The minimum age for work is generally 14, with different rules for ages 16–17 and for ages 14–15.

Many jobs are allowed for anyone under 18, but some jobs are not because they are not safe. Work hours are also limited for teens; more restrictions apply during school weeks. For more information about hours of work and prohibited duties for teens, go to **[www.TeenWorkers.Lni.wa.gov](http://www.TeenWorkers.Lni.wa.gov)**.

## Meal and rest breaks for teens

- In agriculture, teens of any age get a meal period of 30 minutes if working more than five hours, and a 10-minute paid break for each four hours worked.
- In all other industries, teens who are 16 or 17 must have a 30-minute meal period if working more than five hours, and a 10-minute paid break for each four hours worked. They must have the rest break at least every three hours.

Teens who are 14 or 15 must have a 30-minute meal period no later than the end of the fourth hour, and a 10-minute paid break for every two hours worked.

You can learn more about teen safety, work hours, and prohibited jobs:

- **[www.TeenWorkers.Lni.wa.gov](http://www.TeenWorkers.Lni.wa.gov)**.
- Call or visit any L&I office or call toll-free: 1-866-219-7321.
- Email a question to [TeenSafety@Lni.wa.gov](mailto:TeenSafety@Lni.wa.gov).

## *How do I file a wage and hour complaint?*

If you believe your rights have been denied by not receiving regular pay, overtime pay, or rest and meal breaks:

- Go online to **[www.WorkplaceRights.Lni.wa.gov](http://www.WorkplaceRights.Lni.wa.gov)** and click on “Filing a Workplace Rights Complaint” in the “Complaints/Discrimination” section.
- Call or visit any L&I office or call toll-free: 1-866-219-7321.

## *Prevailing wages on public works projects*

If you perform work on a public works construction project or on a public building-service maintenance contract, you must be paid prevailing wages.

The Washington State Prevailing Wage Act is a worker protection law requiring that workers on public works projects be paid minimum prevailing wage rates to protect workers from substandard earnings and to preserve local wage standards. The Prevailing Wage Act regulates wages paid to workers, laborers and mechanics performing public work; it does not apply to work that is clerical, executive, administrative or professional in nature, unless such person is performing construction work, alteration work, repair work, etc.

L&I administers the law and establishes the prevailing wages for each trade and occupation employed in the performance of public work. The prevailing rate of wage is established separately for each county, and reflects local wage conditions.

For further information about prevailing wage, rates for prevailing wage jobs, how to file a complaint if you think you are not receiving the proper wage, and other prevailing wage topics, you can:

- Visit **[www.PrevailingWage.Lni.wa.gov](http://www.PrevailingWage.Lni.wa.gov)** and click on “Prevailing Wage.”
- Call or visit any L&I office or call toll-free: 1-866-219-7321.





# Leave Use and Protected Leave

## *Washington Family Care Act*

### **Use of paid leave to care for sick family members**

If you work for an employer with a paid-leave policy (sick, vacation, certain employer-provided short-term disability plans, or other paid time off), you are allowed to use your choice of paid leave to care for sick family.

Family includes:

- Children under age 18 with a health condition that requires supervision or treatment.
- Spouse, registered domestic partner, parent, parent-in-law or grandparent with a serious or emergency health condition.
- Adult son or daughter incapable of self-care due to a disability.



## *Washington Family Leave Act*

### **Additional leave for pregnancy and domestic-partner care**

Women who qualify for leave under the federal Family and Medical Leave Act (FMLA) (see Page 15) may be entitled to additional state family leave for sickness or disability due to pregnancy. Also, Washington's Family Leave Act provides up to 12 weeks leave to FMLA-eligible registered domestic partners or same-sex spouses who need to care for an ill partner/spouse.

## *Pregnancy-related disability*

### **Protection from discrimination**

A woman with a pregnancy-related disability is entitled to time off and job protection if she works for an employer with eight or more employees. Her health-care provider determines the amount of time off needed. For more information, contact the Washington State Human Rights Commission at [www.hum.wa.gov](http://www.hum.wa.gov) or call 1-800-233-3247.

## *Leave for victims of domestic violence, sexual assault, or stalking*

Victims and their family members are allowed to take reasonable leave from work for legal or law-enforcement assistance, medical treatment, counseling, relocation, meetings with their crime victim advocate or to protect their safety.

## *Leave for military spouses during deployment*

Spouses or registered domestic partners of military personnel who receive notice to deploy or who are on leave from deployment during times of military conflict may take a total of 15 days unpaid leave per deployment.

Your employer may not fire you or retaliate against you for using your leave for these reasons or for filing a complaint alleging a violation of these leave laws.

For more information and assistance regarding leave issues, call 1-866-219-7321.

## *What if I still have questions about Washington leave laws?*

For questions about any of Washington's leave laws, contact your local L&I office (see back cover or visit **[www.Offices.Lni.wa.gov](http://www.Offices.Lni.wa.gov)**) or call 360-902-5316 or 1-866-219-7321.

## *Federal Family and Medical Leave Act*

The federal Family and Medical Leave Act (FMLA) requires covered employers to provide up to 12 weeks of unpaid job-protected leave every 12 months to eligible employees for certain family and medical reasons. Employees are eligible if:

- They worked for their employer for at least 1,250 hours over the previous 12 months; and
- The company has at least 50 employees within 75 miles.

For more information about the federal FMLA, contact the U.S. Department of Labor at 1-866-487-9243 or visit **[www.dol.gov/whd/fmla](http://www.dol.gov/whd/fmla)**.



## Workers' Compensation Benefits

If a job-related injury or illness occurs, almost all workers are entitled to workers' compensation benefits. Workers' compensation is a no-fault program that eliminates blame to either party for workplace injuries or illnesses. Your employer must have workers' compensation coverage through L&I or be self-insured.

If your employer is self-insured, your employer, not L&I, handles your paperwork and pays for the claim. Injured workers are entitled to the same rights and benefits whether provided by L&I or a self-insured employer. Compliance with workers' compensation laws is regulated by L&I.

Workers' compensation benefits include:

- **Medical care.** Medical treatment for a workplace injury or occupational illness or disease is covered.
- **Wage replacement (time-loss).** If you are unable to work due to a work-related condition, you may be eligible for partial wage replacement benefits.



- **Stay at Work Program.** If you are injured at work, ask your medical provider and employer about the possibility of a light-duty job. You'll continue to earn wages, recover faster and keep your job secure. With the Stay at Work Program, L&I will reimburse an eligible employer up to 50% of your base wages, plus some expenses for tools, clothing and training to support you in a light-duty job during your recovery.
- **Vocational training.** If you are unable to return to work, you may be eligible for vocational training or return-to-work assistance.
- **Partial disability benefit.** If you have completed treatment but suffered a permanent partial disability, you may be eligible for a monetary award.
- **Pension benefits.** If your injury prevents you from ever becoming gainfully employed again, you may be eligible for a pension.
- **Death benefits.** If you were to die from a work-related injury or illness, your surviving spouse, registered domestic partner and/or dependents may qualify for a pension.

### *Protection from employer discrimination*

If you are injured on the job and file a workers' compensation claim, you have the right to protection from discrimination for filing a claim. If you believe your employer has penalized or discriminated against you because you filed a claim, or expressed an intent to file, you can submit a discrimination complaint by writing to:

L&I Investigations  
P.O. Box 44277  
Olympia WA 98504-4277

You must act within 90 days. If L&I finds your complaint is valid, the agency will take legal action against your employer. Options for settlement include rehiring or reinstatement with back pay.

For more information regarding discrimination:

- Call 360-902-6568 or toll-free 1-800-547-8367.
- Visit **[www.Lni.wa.gov/WorkplaceRights/ComplainDiscrim/InjuredAtWork](http://www.Lni.wa.gov/WorkplaceRights/ComplainDiscrim/InjuredAtWork)**.

**For more information about the workers' compensation process and forms:**

If your employer's workers' compensation insurance is from L&I:

- Visit **[www.Lni.wa.gov/ClaimsIns](http://www.Lni.wa.gov/ClaimsIns)**.
- Get the publication *Workers' Compensation Benefits: A Guide for Injured Workers* (F242-104-000) at **[www.Lni.wa.gov/IPUB/242-104-000.pdf](http://www.Lni.wa.gov/IPUB/242-104-000.pdf)**.

If your employer is self-insured:

- Get the publication *A Guide to Workers' Compensation Benefits for Employees of Self-Insured Businesses* (F207-085-000) at **[www.Lni.wa.gov/IPUB/207-085-000.pdf](http://www.Lni.wa.gov/IPUB/207-085-000.pdf)**.
- If you need assistance with a claims-related issue, contact the Ombuds for Self-Insured Injured Workers at 1-888-317-0493. The Ombuds advocates for the rights of injured workers of self-insured employers by providing information, investigating complaints and taking action to ensure the worker receives the appropriate benefits under Washington State industrial insurance law. For more information, visit **[www.ombudsman.selfinsured.wa.gov](http://www.ombudsman.selfinsured.wa.gov)**.

# L&I Service Locations

Customer service representatives in local L&I offices are available to answer your questions. Whether you leave a voicemail or connect with one of our staff during regular office hours, you can expect your concerns to be addressed as quickly as possible.

## Region 1: Northwest Washington

Bellingham	360-647-7300
Everett	425-290-1300
Mount Vernon	360-416-3000

## Region 2: King County

Bellevue	425-990-1400
Seattle	206-515-2800
Tukwila	206-835-1000

## Region 3: Pierce County/Peninsula

Bremerton	360-415-4000
Port Angeles	360-417-2700
Tacoma	253-596-3800

## Region 4: Southwest Washington

Aberdeen	360-533-8200
Kelso	360-575-6900
Tumwater	360-902-5799
Vancouver	360-896-2300

## Region 5: Central Washington

E. Wenatchee	509-886-6500
Kennewick	509-735-0100
Moses Lake	509-764-6900
Yakima	509-454-3700

## Region 6: Eastern Washington

Pullman	509-334-5296
Spokane	509-324-2600

For addresses, see **[www.Offices.Lni.wa.gov](http://www.Offices.Lni.wa.gov)**.

*Other formats for persons with disabilities are available on request. Call 1-800-547-8367.*

*TDD users, call 360-902-5797.*

*L&I is an equal opportunity employer.*